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6 IN THE UNITED STATES DISTRICT COURT
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8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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10 TERESA PADILLA,

11 Plaintiff,

No. C 07-02396 WHA

12 v.

13 UNITED PARCEL SERVICE COMPANY
14 dba UNITED PARCEL SERVICE CO.
(AIR), and DOES 1–50, inclusive,

ORDER TO SHOW CAUSE

15 Defendants.
16 _____/

17 We were scheduled to have a hearing on defendant's motion to compel discovery, as set
18 forth in Ms. Lindemann's letter dated January 18, 2008. The Court called the pro se plaintiff,
19 Ms. Teresa Padilla, at 9:45 a.m. to remind her of the hearing today at 11:00 a.m. She stated that
20 she did not know about today's hearing and was sick anyway. This forced cancellation of the
21 hearing.

22 From the UPS letter brief, it appears that Ms. Padilla has refused to go forward with her
23 deposition due to illness at least twice. This makes three times. The letter also claims that
24 plaintiff has not complied with her disclosure obligations under Rule 26(a), specifically by
25 failing (despite requests) to disclose her witnesses and her damage computations. Also, UPS
26 contends plaintiff still owes more documents in discovery.


27 Rather than schedule yet another event that may wind up being cancelled at the last
28 minute, plaintiff is **ORDERED TO SHOW CAUSE** why this case should not be dismissed (with

1 prejudice) on account of the circumstances described in the letter dated January 18.
2 Plaintiff must file a response in writing and in detail by **NOON ON MONDAY, FEBRUARY 4, 2008**
3 (and serve it on defense counsel). Any claim of illness, past or present, should be backed up
4 with a doctor's detailed statement. Plaintiff Padilla is warned to take this order seriously and to
5 respond accurately and fully to the contentions in the letter dated January 18. Said letter was
6 served on Ms. Padilla on January 18 but if for some reason Ms. Padilla has no copy of it, she
7 must immediately advise the Court and immediately call Attorney Lindemann at 415-856-7040
8 to obtain another copy. After reviewing Ms. Padilla's response, the Court will make a decision.

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10 In addition to e-filing this order, the Clerk shall mail a copy to each side.

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12 **IT IS SO ORDERED.**

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14 Dated: January 25, 2008.

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17 WILLIAM ALSUP
18 UNITED STATES DISTRICT JUDGE
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